

REMARKS

The Final Office Action mailed December 3, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Amendment to Claims 1-12

Claims 1-12 have been amended to more clearly point out what the applicants regard as their invention, and for improved clarity and grammatical accuracy. The amendment does not introduce new issues, should not require an additional search. Applicant submits that all the claims, as amended, would be clearly allowable for the reasons discussed below.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-9 and 12 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by EP 0 403 138 (the “‘138 application”). This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

The ‘138 application does not contain every element of presently-amended claim 1. In particular, ‘138 is *not* “configured to fuse the first and second phases” of any material. The ‘138 application does not describe a two-phase system or any mechanism configured to fuse two distinct phases. Nor does the reference describe or teach how it could be adapted to fuse two phases. Further, the ‘138 application does not disclose any mechanism “configured to agitate the interface” of any two-phase system. This constitutes a second limitation not found in the ‘138 application. These two limitations are entirely missing from the prior art.

In addition, the ‘138 application does not describe a “single electrical circuit configured to supply a [single] inductor” with two components at two distinct frequencies, as required in claim 1. Rather, the ‘138 application discloses “separately powered and regulated melting and agitation power supply circuits indicated generally at 16 and 18 respectively” (col. 2, ll. 55-570). As can be seen from Figure 1 and the text, the ‘38 application discloses two circuits, one for heating and one for agitating. In other words, these two prior art circuits have no electrical or

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

magnetic connection or other means whereby components at differing frequencies may be combined into a single two-component electrical current.

Furthermore, the claims as amended would not be obvious to one of skill in the art. As discussed above, the '138 reference does not describe each of the elements of claim 1, and supplying these limitations missing from the '138 reference would not be obvious to one of skill in the art. For example, there is nothing within the '138 reference disclosure that would suggest the inventive contribution made by the present inventors. Nor has there been a disclosure within the '138 reference or *Eckert* that would enable the invention of claim 1, given the knowledge in the art at the filing date of the present application.

As to dependent claims 2–12, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the '138 application in view of *Eckert* (US 5,968,223). This rejection is respectfully traversed.

According to the Examiner, claims 10 and 11 are dependent on independent claim 1, which as amended is patentable for the reasons described above. The arguments above are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 05/05/2008

Christopher Ogden
Christopher L. Ogden
Reg. No. 44,984

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040